

MARKHAM READ ZERNER LLC

www.markhamreadzerner.com

One Commercial Wharf West
Boston, Massachusetts 02110
T. (617) 523-6329
F. (617) 742-8604

908 Main Street/P. O. Box 697
Waldoboro, Maine 04572
T. (207) 790-8049
F. (207) 790-8050

January 4, 2022

VIA ECF

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Morgan Art Foundation Ltd. v. McKenzie*, 18-cv-04438 (AT)
Joint Status Letter re Order at ECF 464

Dear Judge Torres:

Defendant Michael McKenzie d/b/a American Image Art (herein, “McKenzie”) and Plaintiff Morgan Art Foundation Limited (“MAF”) jointly report to the Court on a resolution concerning the Stipulation and Consent Order Confirming Interim Award and Entering Injunction (ECF No. 448) (referred to herein as the “stipulated order”) pursuant to the Court’s Order at ECF 464. The parties have resolved the matter at this time with the following agreement:

McKenzie will not press as of this time to vacate the above-referenced stipulated order but McKenzie reserves the right to make such a motion if he wishes after the presently pending sanctions motion (ECF 465) filed by MAF against McKenzie has been heard and determined. (The matter is presently scheduled for a hearing on March 1, 2022. *See*, Order at ECF 472). After a ruling on that motion, if McKenzie does press for a motion to vacate the stipulated order at that time, MAF reserves the right to object on any ground except that MAF stipulates that McKenzie’s delay in seeking to file the motion to vacate until after a determination of the sanctions motion is not a waiver of his right to renew his request to file such motion, if he chooses, at that time.

Counsel for the Estate of Robert Indiana, Emily Seiderman West, advised that the Estate consents to this agreement.

Respectfully submitted,

/s/ John J.E. Markham, II
John J.E. Markham, II
Counsel for Michael McKenzie

/s/ Luke Nikas

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Luke Nikas

Attorney for Morgan Art Foundation

cc: All Counsel of Record via ECF